

REMARKS

Claim 2 and amended claim 1 are in this application.

A telephone discussion between Examiner Le and Dennis Smid (one of the applicants' undersigned attorneys) was held on June 9, 2006. The applicants and Mr. Smid wish to thank the Examiner for her time and consideration for such discussion.

A Final Office Action issued in the parent application on January 11, 2006. The following remarks are submitted in response to such January 11 Final Office Action.

The drawings were objected to under 37 C.F.R. 1.83(a). In explaining this objection, the Examiner stated that "the elastomeric sleeve has a protruding portion that protrudes from the plug cover at an end thereof where the pair of projecting portions are located (in claim 2) must be shown or the feature(s) canceled from the claim(s)." As discussed during the June 9 discussion, Figure 4 has been amended herein so as to specifically identify such feature of claim 2. Additionally, and as also discussed during the June 9 discussion, the specification has also been amended herein so as to incorporate a corresponding change.

Claim 2 was objected to "because the claimed features are unclear since 'the elastomeric sleeve has a protruding portion that protrudes from the plug cover at an end thereof where the pair of projecting portions are located' are not shown in the drawings." Since the drawings have been amended herein so as to further show such feature(s) of claim 2, it is respectfully submitted that this objection of claim 2 be withdrawn.

Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Higgins (6,297,741).

Amended independent claim 1 recites as follows:

A plug attached mechanism for use in holding a portable audio device, comprising:

a plug shell provided with a connecting terminal extending therefrom and having an elastometric sleeve wrapped there around, said connecting terminal being coupled to an earphone and operable to be inserted into said portable audio device, said plug shell and said sleeve being arranged inside of a cylindrical plug cover, said plug cover having integrally formed thereon a pair of projecting portions provided on a connecting terminal side thereof; and

a pair of L-shaped engaging grooves formed respectively in said pair of projecting portions for engaging respectively with a pair of engaging pieces provided on an attachment plate coupled to said portable audio device and located at a jack side that receives said connecting terminal.  
(Emphasis added.)

Accordingly, as recited in claim 1, the plug attached mechanism may be used for "holding a portable audio device," the connecting terminal may be "coupled to an earphone and operable to be inserted into said portable audio device," and the attachment plate may be "coupled to said portable audio device." As discussed during the June 9 discussion, it is respectfully submitted that Higgins as applied by the Examiner does not disclose such features of claim 1, for at least the reasons described below.

First, Higgins appears to relate to a so-called chip detector (see, for example, line 6 of column 1 of Higgins) which may be used for detecting wear-related debris from machinery.

As such, Higgins' chip detector does not appear to be usable for "holding a portable audio device," as in claim 1.

Second, in explaining the above 102 rejection with regard to claim 1, the Examiner asserted that element 28 of Higgins was the same as the connecting terminal of claim 1. It is respectfully submitted that element 28 of Higgins is a "magnet." (See, for example, line 8 of column 5 of Higgins.) As recited in claim 1, the connecting terminal may be "coupled to an earphone and operable to be inserted into said portable audio device." On the hand, the magnet 28 of Higgins appears to be "exposed to a stream of lubricating fluid, . . . to attract and retain ferrous particles suspended in the lubricant stream." (See lines 28-31 of column 5 of Higgins.) As such, the magnet 28 of Higgins does not appear to be "coupled to an earphone and operable to be inserted into said portable audio device," as in claim 1.

Third, in explaining the above 102 rejection with regard to claim 1, the Examiner asserted that element 22 of Higgins was the same as the attachment plate of claim 1. It is respectfully submitted that element 22 of Higgins is a "locking portion." (See, for example, line 52 of column 4 of Higgins.) As recited in claim 1, the attachment plate may be "coupled to said portable audio device." On the hand, the locking portion 22 of Higgins appears to be used with locking portion 34 to "provide positive retention of the probe 11 within the housing 22." (See lines 19-20 of column 6 of Higgins.) As such, the locking portion 22 of Higgins does not appear to be "coupled to said portable audio device," as in claim 1.

Thus, it is respectfully submitted that claim 1 is distinguishable from Higgins as applied by the Examiner.

Claim 2 is dependent from amended independent claim 1. Accordingly, it is also respectfully submitted that dependent

claim 2 is distinguishable from Higgins as applied by the Examiner for at least the reasons previously described.

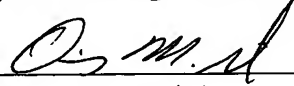
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 12, 2006

Respectfully submitted,

By 

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**IN THE DRAWINGS**

Figure 4 has been amended to include a reference element "22A" and an extension as shown in the attached Replacement Sheet.